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GOOGLE LLC

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18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20 SAN FRANCISCO DIVISION

21 ANIBAL RODRIGUEZ, et al. individually and
22 on behalf of all others similarly situated,

23 Plaintiffs,

24 v.

25 GOOGLE LLC,

26 Defendant.

Case No. 3:20-CV-04688-RS

**DECLARATION OF DAVID MONSEES IN
SUPPORT OF DEFENDANT GOOGLE LLC'S
OPPOSITION TO PLAINTIFFS' MOTION FOR
PERMANENT INJUNCTION AND
DISGORGEMENT OF PROFITS**

Dept: 3, 17th Fl.
Judge: Hon. Richard Seeborg

Date Action Filed: July 14, 2020
Trial Date: August 18, 2025

1 I, David Monsees, hereby declare as follows:

2 1. I am a senior product manager at Google LLC (“Google”) with supervisory authority
3 concerning Web & App Activity (WAA).

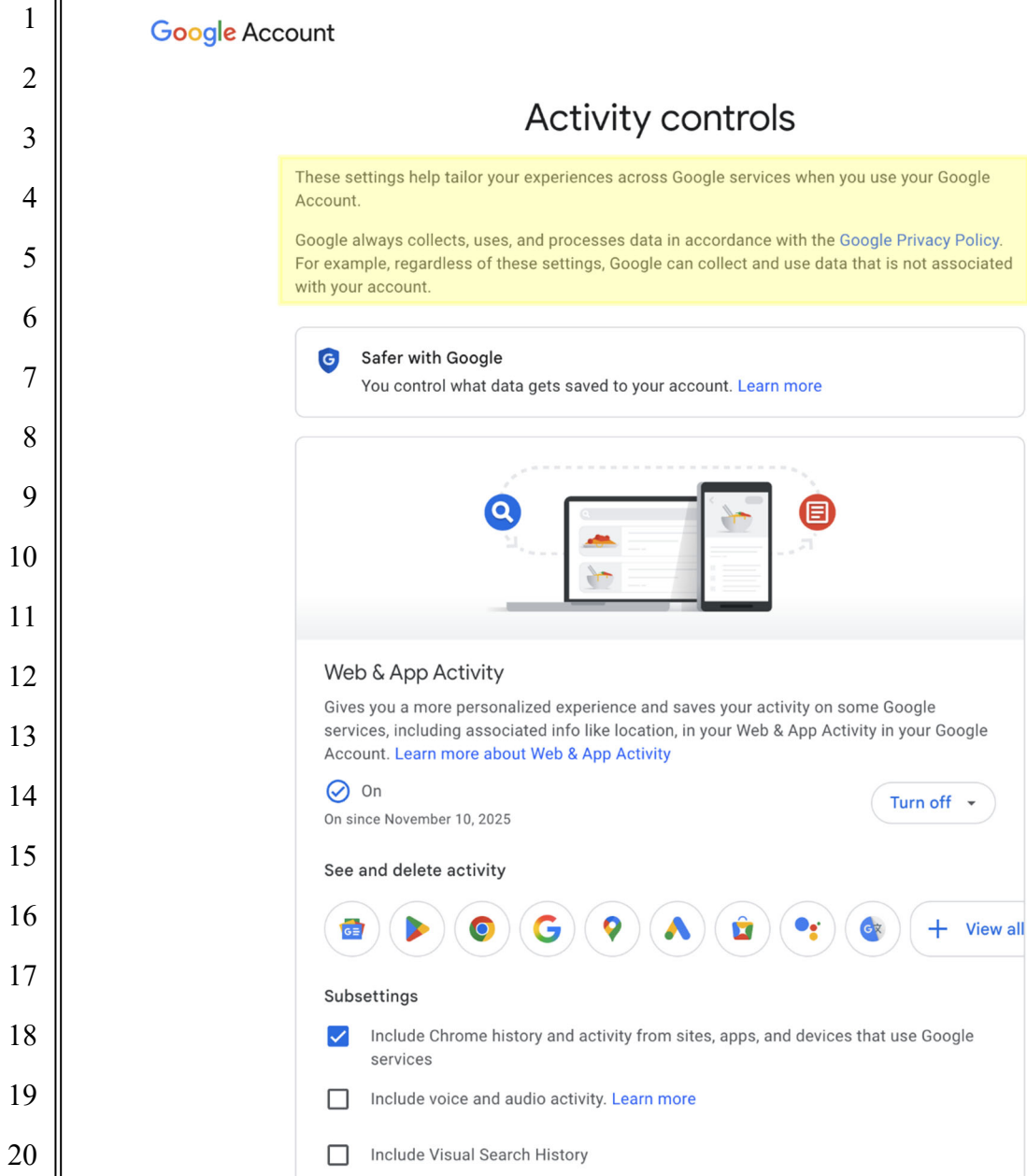
4 2. Unless otherwise stated, the facts I set forth in this declaration are based on my
5 personal knowledge or knowledge I obtained through my review of corporate records or other
6 investigation. If called to testify as a witness, I could and would testify competently to such facts
7 under oath.

8 3. I submit this declaration in support of Google’s Opposition to Plaintiffs’ Motion for
9 Permanent Injunction and Disgorgement of Profits. I have reviewed Plaintiffs’ Proposed Permanent
10 Injunction (Dkt. 700-5) (hereinafter “Proposed Injunction”), which I understand Plaintiffs filed
11 with their Motion for Permanent Injunction and Disgorgement of Profits (Dkt. 700) (“Motion”).

12 4. I am familiar with the Activity Controls page, which is a privacy surface from which
13 users can control their Web & App Activity (“WAA”) and supplemental Web & App Activity
14 (“sWAA”) settings. A copy of the Activity Controls page that was shown to the jury during the trial
15 in this matter as PX-084 is attached hereto as **Exhibit A**.

16 5. Starting on Thursday, November 13, 2025, Google began rolling out updates to the
17 paragraph at the top of its Activity Controls page to include the following language: “These settings
18 help tailor your experiences across Google services when you use your Google Account. Google
19 always collects, uses, and processes data in accordance with the Google Privacy Policy. For
20 example, regardless of these settings, Google can collect and use data that is not associated with
21 your account.” This update was completed on November 17, 2025. A copy of that screen is reflected
22 in the image below, with the referenced language highlighted, and attached hereto as **Exhibit B**.

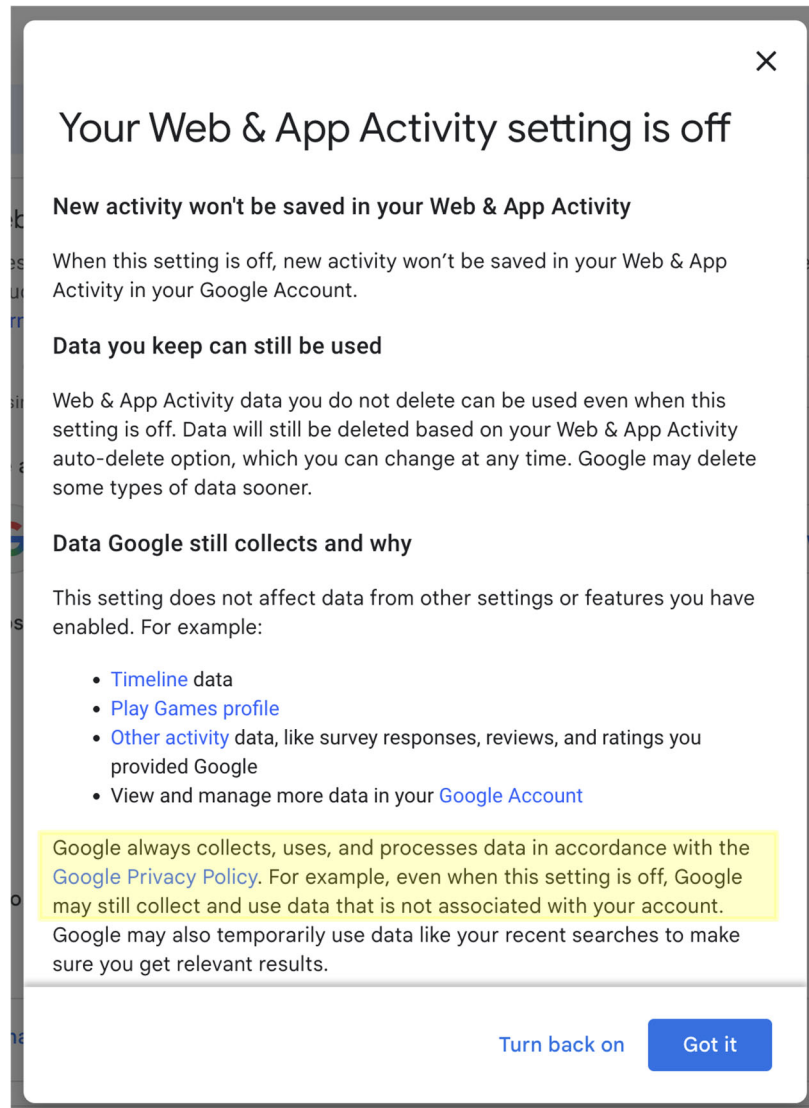
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6. When a user presses the “Turn off” button under the WAA heading on the Activity Controls page above in paragraph 5, a screen pops up that explains to the user what turning off the WAA setting will mean (the “WAA revocation”). A copy of the WAA revocation text that was shown to the jury during the trial in this matter as G0607 is attached hereto as **Exhibit C** at 6.

7. Starting on Thursday, November 13, 2025, Google began rolling out updates to the text of the WAA revocation screen to include the following language: “Google always collects, uses, and processes data in accordance with the Google Privacy Policy. For example, even when this setting is off, Google may still collect and use data that is not associated with your account.”

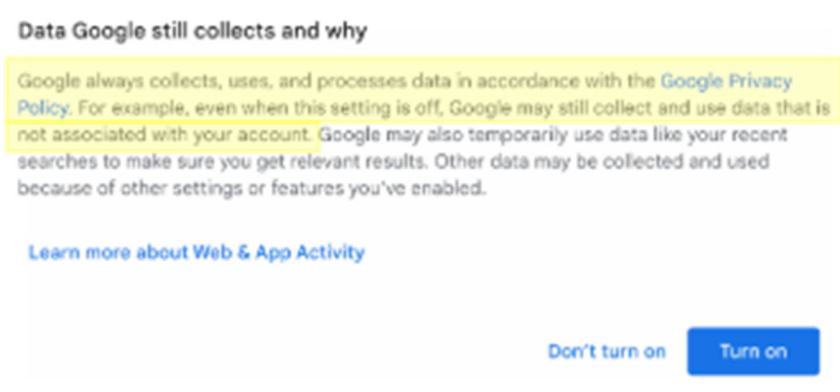
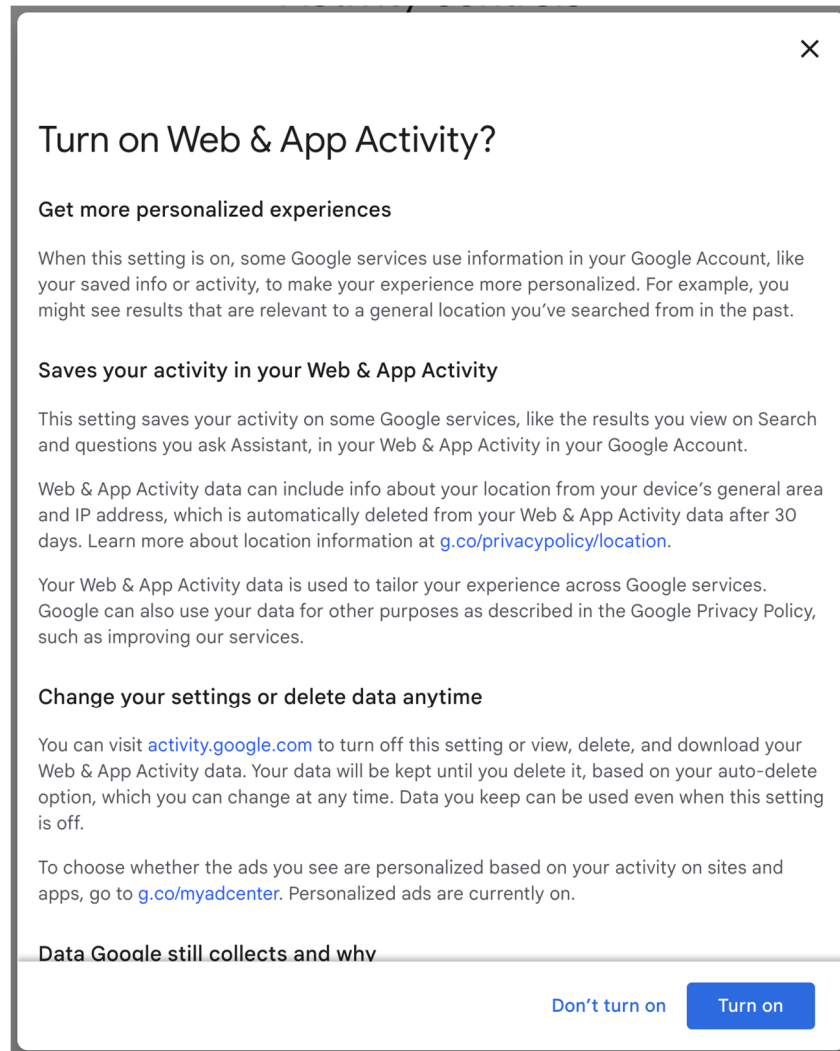
This update was completed on November 17, 2025. A copy of that screen is reflected in the image below, with the referenced language highlighted, and attached hereto as **Exhibit D**.



8. If a user wants to turn WAA on, they can use the button under the WAA heading on the Activity Controls page described and depicted in paragraph 5 (the button on the image in paragraph 5 says “Turn off,” but if a user’s WAA setting was off, then the button would read, “Turn on”). When a user presses that “Turn on” button, a screen pops up that explains to the user what turning on the WAA setting will mean (the “WAA opt-in”). A copy of the WAA opt-in text that was shown to the jury during the trial in this matter as G0607 is attached hereto as Exhibit C at 2.

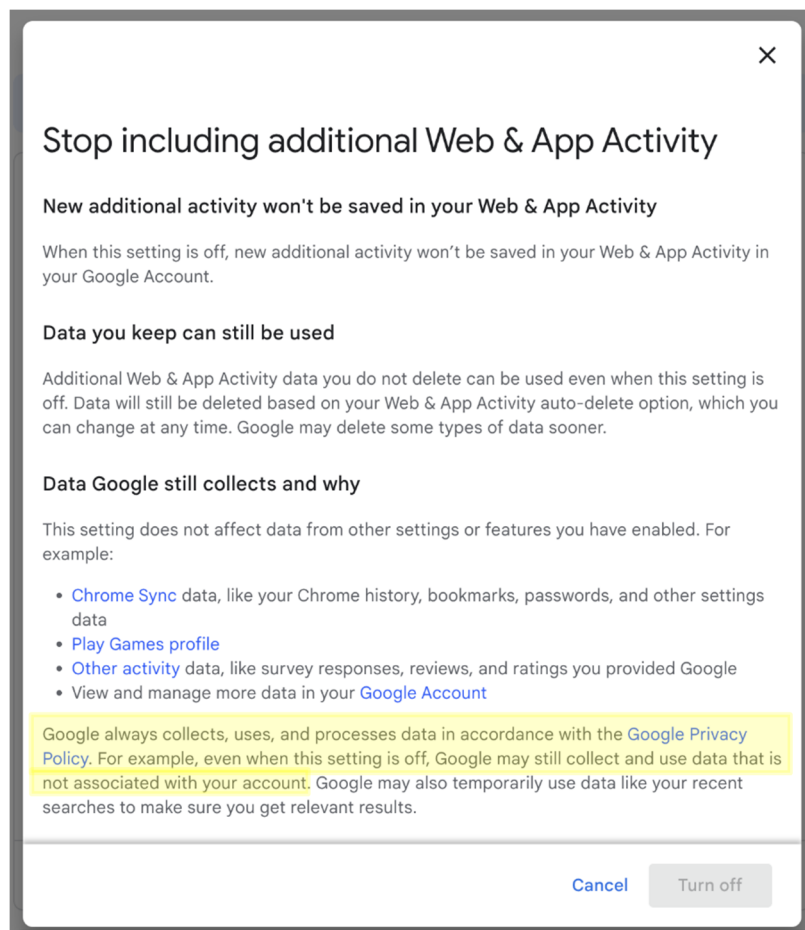
9. Starting on Thursday, November 13, 2025, Google began rolling out updates to the text of the WAA opt-in screen to include the following language: “Google always collects, uses,

and processes data in accordance with the Google Privacy Policy. For example, even when this setting is off, Google may still collect and use data that is not associated with your account.” This update was completed on November 17, 2025. A copy of that screen is reflected in the images below, with the referenced language highlighted, and attached hereto as **Exhibit E**.



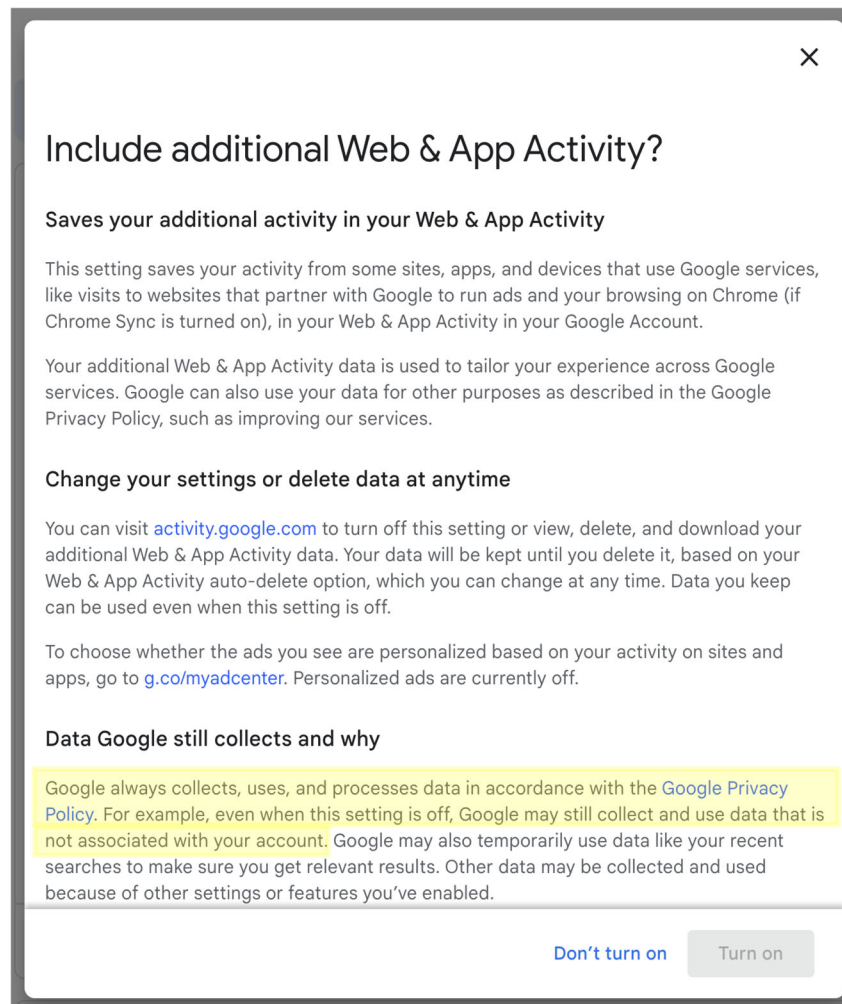
10. The first category under the “Subsettings” heading in the Activity Controls page as shown in paragraph 5, which reads, “Include Chrome history and activity from sites, apps, and devices that use Google services,” is called supplemental Web & App Activity (sWAA). When a user unchecks that sWAA button, a screen pops up that explains to the user what turning off the sWAA setting will mean (the “sWAA revocation”). A copy of the sWAA revocation text that was shown to the jury during the trial in this matter as G0607 is attached hereto as Exhibit C at 6-7.

11. Starting on Thursday, November 13, 2025, Google began rolling out updates to the text of the sWAA revocation screen to include the following language: “Google always collects, uses, and processes data in accordance with the Google Privacy Policy. For example, even when this setting is off, Google may still collect and use data that is not associated with your account.” This update was completed on November 17, 2025. A copy of that screen is reflected in the image below, with the referenced language highlighted, and attached hereto as **Exhibit F**.



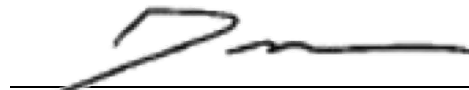
12. If a user wants to turn sWAA on, then they can re-check the box corresponding with the subsetting on the Activity Controls page in paragraph 5 (the box in the image in paragraph 5 is checked, but if a user's sWAA setting was off, then the box would be unchecked). When a user checks that button, a screen pops up that explains to the user what turning on the sWAA setting will mean (the "sWAA opt-in"). A copy of the sWAA opt-in that was shown to the jury during the trial in this matter as G0607 is attached hereto as Exhibit C at 4.

13. Starting on Thursday, November 13, 2025, Google began rolling out updates to the text of the sWAA opt-in screen to include the following language: "Google always collects, uses, and processes data in accordance with the Google Privacy Policy. For example, even when this setting is off, Google may still collect and use data that is not associated with your account." This update was completed on November 17, 2025. A copy of that screen is reflected in the image below, with the referenced language highlighted, and attached hereto as **Exhibit G**.



1 I declare under penalty of perjury under the laws of the State of California and the United
2 States of America that the forgoing is true and correct.

3 Executed on November 19, 2025, at San Francisco, California.
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8 David Monsees
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